AN ACT

RELATING TO PUBLIC EDUCATION; SPECIFYING HOW INSTRUCTIONAL TIME IS CALCULATED FOR K-5 PLUS AND EXTENDED LEARNING TIME PROGRAMS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-8-23.10 NMSA 1978 (being Laws 2019, Chapter 206, Section 16 and Laws 2019, Chapter 207, Section 16) is amended to read:

"22-8-23.10. EXTENDED LEARNING TIME PROGRAM.--

A. A school district or charter school is eligible for additional program units if it establishes within its department-approved educational plan a schoolwide extended learning time program that meets the requirements of this section.

B. Program eligibility requires:

(1) except as provided in Subsections C and D of this section, a minimum of one hundred ninety instructional days per school year or ten additional instructional days per school year, whichever requires the addition of the fewest number of instructional days, with at least five and one-half instructional hours per instructional day for kindergarten through sixth grade and at least six instructional hours per day for seventh through twelfth grade;
(2) after-school program opportunities for academic learning, extracurricular or enrichment programming for students that do not supplant federally funded programs; and

(3) a minimum of eighty noninstructional hours per school year for professional development for instructional staff.

C. An extended learning time program in a school district operating a four-day school week in fiscal year 2019 or in a school district with fewer than one thousand MEM operating a four-day school week may include:

(1) a minimum of one hundred sixty instructional days per school year or eight additional instructional days per school year, whichever requires the addition of the fewest number of instructional days, with at least six and one-half hours per instructional day for kindergarten through sixth grade and at least seven instructional hours per instructional day for seventh through twelfth grade;

(2) after-school program opportunities for academic learning, extracurricular or enrichment programming for students that do not supplant federally funded programs; and

(3) a minimum of eighty noninstructional hours per school year for professional development for
instructional staff.

D. With department approval, an elementary school that qualifies for extended learning time program units that also has a qualifying K-5 plus program may structure the school year to provide the additional instructional days required pursuant to the applicable subsection of this section by extending the total number of instructional hours provided by the elementary school by no fewer than fifty-five additional instructional hours.

E. The additional instructional days required for an extended learning time program shall be implemented for all students in a participating public school and shall be considered an extended school calendar for all students in each participating school.

F. A school district or charter school that qualified for extended learning time program units in the prior fiscal year shall not be required to add more instructional days in the current school year than it did in the prior school year to qualify for program units in the current school year if the school district or charter school provides the same or more total instructional days and total instructional hours than it provided in the prior school year.

G. The number of additional units to which a school district or charter school is entitled under this
section is computed in the following manner:

\[ \text{MEM} \times 0.11. \]

SECTION 2. Section 22-8-23.11 NMSA 1978 (being Laws 2019, Chapter 206, Section 17 and Laws 2019, Chapter 207, Section 17) is amended to read:

"22-8-23.11. K-5 PLUS PROGRAM UNITS.--The number of K-5 plus program units is determined by multiplying the MEM in department-approved K-5 plus schools by the cost differential factor of 0.3; provided that the cohort of students in a K-5 plus public school that spans two fiscal years shall be funded for participation in the required additional instructional days in a single fiscal year."

SECTION 3. Section 22-13D-2 NMSA 1978 (being Laws 2019, Chapter 206, Section 3 and Laws 2019, Chapter 207, Section 3) is amended to read:

"22-13D-2. K-5 PLUS--ELIGIBILITY--REQUIREMENTS.--

A. A school district or charter school may apply to participate in the K-5 plus program and is eligible to receive program units for students enrolled in elementary schools approved by the department to participate in the K-5 plus program. In approving schools for participation in K-5 plus, the department shall prioritize elementary schools:

(1) in which eighty percent or more of the elementary school's students are eligible for free or reduced-feel lunch;
(2) that are low-performing elementary schools; and
(3) that meet criteria established by department rule.

B. Each K-5 plus school shall:

(1) except as provided in Subsection C of this section, provide no fewer than two hundred five instructional days per school year or twenty-five additional instructional days per school year, whichever requires the addition of the fewest number of instructional days, to all elementary school students enrolled in the elementary school;

(2) provide a good-faith attempt to keep students with the same teacher and cohort of students during K-5 plus and the regular school year and minimize mid-year transfers to only those transfers that are in the best interest of the student;

(3) include additional professional development for teachers teaching at a K-5 plus school in how young children learn to read; and

(4) be considered an extended school calendar for all students in each participating school.

C. An elementary school operating a four-day school week shall provide no fewer than one hundred seventy-five instructional days per school year or twenty additional instructional days per school year, whichever
requires the addition of the fewest number of instructional
days to all elementary students enrolled in the elementary
school.

D. A school district or charter school that
qualified for K-5 plus program units in the prior fiscal year
shall not be required to add more instructional days to the
current school year to qualify for program units in the
current school year if the school district or charter school
provides the same or more total instructional days and total
instructional hours than it provided in the prior school
year.

E. An elementary school is ineligible for K-5 plus
program units if it fails to meet the requirements of this
section."

SECTION 4. Section 22-13D-3 NMSA 1978 (being Laws 2019,
Chapter 206, Section 4 and Laws 2019, Chapter 207, Section 4)
is amended to read:

"22-13D-3. K-5 PLUS--OVERSIGHT--REPORTING.--The
department shall:

A. enforce the provisions of the K-5 Plus Act;

B. issue rules for the development and
implementation of K-5 plus schools;

C. assist school districts and charter schools in
developing and evaluating K-5 plus schools;

D. develop and disseminate information on best
practices in the area of academic success of early learners;

E. establish reporting and evaluation
requirements, including student and program assessments, for
K-5 plus schools;

F. annually report to the legislature and the
governor on the efficacy of K-5 plus schools; and

G. establish a K-5 plus advisory committee
composed of representatives of school districts and charter
schools that have K-5 plus schools, the legislative education
study committee, the legislative finance committee and other
stakeholders. The advisory committee shall meet twice a year
to advise the department on K-5 plus implementation."

SECTION 5. Section 22-13D-4 NMSA 1978 (being Laws 2019,
Chapter 206, Section 5 and Laws 2019, Chapter 207, Section 5)
is amended to read:

"22-13D-4. K-5 PLUS--APPLICATION.--

A. School districts and charter schools that wish
to establish a new K-5 plus school shall apply through their
annual educational plans submitted to the department pursuant
to the Public School Finance Act.

B. For public schools that previously offered a
K-5 plus program, each school district and charter school, in
lieu of submitting an application in its annual educational
plan, shall notify the department of its intent to provide
the K-5 plus program and no formal application shall be
required.

C. For planning purposes, no later than October 15 of each year, a school district or charter school that wishes to apply for a new K-5 plus school for the next fiscal year shall submit to the department the actual number of students participating in its approved K-5 plus schools in the current year and an estimate of the number of students the school district or charter school expects will participate in each K-5 plus school in the next year. Nothing in this subsection shall be construed to prohibit the department from approving a new K-5 plus school in a school district or charter school that did not submit the information required by this subsection to the department if sufficient funding is available to fund the school.

D. No later than November 15 of each year, the department shall notify the legislature of the number of students participating in K-5 plus schools in the current school year and of the number of students projected to participate in K-5 plus schools in the next school year.